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EXAMINER

CHIN, RANDALL E

ART UNIT

PAPER NUMBER

1744

DATE MAILED: 01/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/080,089

Applicant(s)

MCKAY, WILLIAM D.

Examiner

Randall Chin

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 December 2004.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
4a) Of the above claim(s) 6,9 and 17 is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-5,7,8 and 10-16 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 11242004.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☒ Other: See Continuation Sheet.

Continuation of Attachment(s) 6). Other: the proposed drawing correction filed 10142004 is approved.

DETAILED ACTION

Election/Restrictions

1. Claim 17 is withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on 27 December 2004.
2. Applicant's election with traverse of Invention I, claims 1-16 (note, claims 6 and 9 are also withdrawn as set forth in the Office Action mailed 14 May 2004) in the reply filed on 27 December 2004 is acknowledged. The traversal is on the ground(s) that the method claims are directed to a method of producing a lint removal assembly which covers the same area of technology thereby requiring the same search as the elected apparatus claims 1-16. This is not found persuasive for the reasons set forth by the Examiner in the Restriction requirement mailed 30 November 2004, numeral 3.

The requirement is still deemed proper and is therefore made FINAL.

Specification

3. Applicant's explanation of discontinuity (non-slit or perforated portion) 42, for example, **with respect to Fig. 5** is appreciated, however, the specification still recites that there is a "discontinuity or bridge 42" in **Figs. 2 and 3**. Furthermore, viewing Figs. 2 and 3, there appears to be no discontinuity or bridge 42 as clarified by Applicant with respect to **Fig. 5**. Applicant's cooperation is respectfully requested in reviewing all

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drawings and explanations in the specification for clarity and consistency with respect to the discontinuity or bridge being a non-slit or perforated portion.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1, 3, 5, 7, 8, 12 and 14-17 are rejected under 35 U.S.C. 102(b) as being anticipated by Jaffri '788.

Jaffri '788 teaches with respect to claim 1 a tape roll for a lint removal roller assembly 01 comprising, a tape wound in a roll 11 (Figs. 1-3, for example) and formed of a substrate 03 having opposed side edges and first and second major opposed surfaces of the tape, an adhesive layer carried on one major surface, the tape wound into a tape roll with the adhesive layer facing outwardly from the roll, a separable edge defined by horizontal perforation 05b extending at least partially through the roll dividing the roll into a plurality of individually separable sheets 03, and a plurality of pull tabs 15 formed by a plurality of "spaced", substantially, non-adhesive portions (col. 2, lines 44-45) carried between the side edges of the substrate, each non-adhesive portion disposed as a layer (Figs. 1, 2 or 3) on the adhesive layer and defining "in combination

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with a portion of the separable edge” one pull tab on each sheet on the roll to facilitate removal of an outermost sheet from the roll.

It should be noted that claim 1, as amended, still fails to adequately define over what is taught by Jaffri '788. Applicant's argument that in Jaffri '788, the tabs are separate from the perforations such that the tabs are carried by each adhesive sheet but do not have the separable edge defining a portion of each pull tab is understood, however, the language of amended claim 1 still fails to clearly define over Jaffri '788. In other words, the amended “in combination with a portion of the separable edge” language of claim 1 is not interpreted by the Examiner as requiring the separable edge defining a portion of each pull tab. Jaffri's non-adhesive portions 15 are still deemed to be “in combination with a portion of the separable edge” 05b.

It should be noted that the term “spaced” here has been broadly interpreted and each non-adhesive portion or tab 15 on each sheet is at least “spaced” from one another as shown in Fig. 1 or “spaced” in the sense where the sheets 03 overlap one another in roll form.

As for claim 3, non-adhesive tab 15 is deemed to be a thin sheet having a substantially non-adhesive surface.

As for claim 5, non-adhesive tab 15 is in a square shape and therefore of a polygonal shape (Fig. 1).

As for claim 7, the separable edge 05b is in the form of a slit and deemed to extend at least partially through the tape roll since there are numerous sectioned individual sheets in roll form.

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As for claim 8, the separable edge is a horizontal perforation 05b and thus a “planar” slit extending at least partially through the tape roll.

As for claim 12, although short in length dimension (Fig. 1), the pull tab extends “longitudinally” from the separable edge in the tape.

As for claim 14, the non-adhesive portion 15 is a material layer fixed on the tape and having a non-adhesive surface facing outward from the adhesive coated layer on the tape (Fig. 1).

With respect to claim 15, the separable edge is co-extensive with an edge of non-adhesive portion of the pull tab (Fig. 1).

As for claim 16, the non-adhesive portions are completely non-adhesive on their outward faces and thus have “at least a partial, non-adhesive surface.”

Jaffri '788 further teaches a method of producing a lint removal assembly as recited in claim 17 comprising the steps of, providing an elongate flexible substrate with first and second opposed surfaces and first and second side edges, affixing an adhesive layer on one of the first and second surfaces of the substrate, providing a plurality of pull tabs defined by a plurality of longitudinally “spaced”, non-adhesive portions on the adhesive layer on the tape, winding the tape into a roll with the adhesive layer facing outwardly of the roll, forming a separable edge at least partially through the roll dividing the roll into individually separable sheets, and disposing the separable edge in registry with the non-adhesive portions on each sheet. It should be noted that the term “spaced” here has been broadly interpreted and each non-adhesive portion or tab

15 on each sheet is at least "spaced" from one another as shown in Fig. 1 or "spaced" in the sense where the sheets 03 overlap one another in roll form.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jaffri '788 in view of McKay 5,027,465 (hereinafter McKay '465).

The patent to Jaffri '788 teaches all of the recited subject matter as previously set forth with the exception of the separable edge being a discontinuous slit extending at least partially through the tape roll. McKay '465 teaches a tape roll having a discontinuous slit (Figs. 7, 23, 24, for example) extending at least partially through the tape roll. It would have been obvious to one of ordinary skill in the art to have modified Jaffri's tape roll such that there is discontinuous slit extending at least partially through the tape roll as suggested by McKay '465 in order to maintain the retentive continuous integrity of the tape roll on the roller.

8. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jaffri '788 in view of Japan 4-226581.

The patent to Jaffri '788 teaches all of the recited subject matter as previously set forth with the exception of the separable edge including planar and non-planar portions. The Japan 4-226581 reference teaches in Fig. 2 a dust/lint tape roll having a separable edge including planar and non-planar portions on each sheet. It would have been obvious to one of ordinary skill in the art to have modified Jaffri's separable edge such that the edge includes planar and non-planar portions on each sheet as taught by Japan 4-225581 for the purpose of providing a visually distinct and easily recognizable portion for a user to lift a sheet from the roll.

9. Claims 2, 4 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jaffri '788 in view of Imsande '811.

The patent to Jaffri '788 teaches all of the recited subject matter as previously set forth with the exception of a substantially non-adhesive coating formed in a plurality of longitudinal spaced locations on one of the first and second major surfaces of the tape and wherein the thin sheet is adhesively fixed to the adhesive layer on the tape. Imsande '811 teaches a substantially non-adhesive coating (col. 2, lines 40-43) on a pull tab 18 formed on one of the first and second major surfaces of an adhesive sheet and wherein the thin sheet is deemed "adhesively" fixed (at least in a broader sense) to the adhesive layer since it is "print deposited" thereon. It would have been obvious to one of ordinary skill in the art to have modified Jaffri's non-adhesive portion such that a substantially non-adhesive coating is formed on one of the first and second major surfaces of the tape and wherein the thin sheet is adhesively fixed to the adhesive layer

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on the tape as suggested by Imsande '811 for the purpose of reducing the overall thickness of the roller (or stack) and ensuring a minimal cumulative thickness.

Conclusion

10. Applicant's arguments filed 14 October 2004 have been fully considered but they are not persuasive.

Applicant's arguments based upon Jaffri '788 are addressed in the above art rejection. As concerning the other applied references, Jaffri '788 was only relied upon for independent claim 1. The other art rejections for the dependent claims have been maintained.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

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11. Any inquiry concerning this communication or earlier communication from the Examiner should be directed to Randall Chin whose telephone number is (571) 272-1270. The Examiner can normally be reached on Monday through Thursday and every other Friday.

If attempts to reach the Examiner are unsuccessful, the Examiner's supervisor, Robert Warden, can be reached at (571) 272-1281. The number for Technology Center 1700 is (571) 272-1700.

The central fax number for the organization where this application or proceeding is assigned is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



R. Chin



Randall Chin
Primary Examiner
Art Unit 1744